

Message Text

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ORIGIN EB-08

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FM SECSTATE WASHDC
TO AMEMBASSY LONDON PRIORITY
INFO AMEMBASSY TOKYO

UNCLAS STATE 084920

FOR USDEL TO IMCO MSC MEETING

E.O. 11652:N/A

TAGS:EWWT, IMCO

SUBJECT:JAPANESE PROPOSAL ON TONNAGE MEASUREMENT OF SHIPS

REF: LONDON 5891

1. LATE ON APRIL 13, JAPANESE EMBASSY PRESENTED DEPART-
MENT WITH DIPLOMATIC NOTE WHICH ENCLOSED COPY OF PROPOSAL
GOJ PLANS TO SUBMIT TO APRIL 18-22 MARITIME SAFETY COM-
MITTEE MEETING. NOTE REQUESTED THAT USG GIVE "MOST
FAVORABLE CONSIDERATION" TO GOJ PROPOSAL.

2. TEXT OF GOJ PROPOSAL AS FOLLOWS:

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QUOTE...AGENDA ITEM 15(B). TONNAGE MEASUREMENT.
INTERIM SCHEME FOR TONNAGE MEASUREMENT OF CERTAIN SHIPS.
NOTE BY JAPAN.

1. THE INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF
SHIPS, 1969 (HEREINAFTER REFERRED TO AS "TONNAGE CONVEN-
TION") WAS MADE FOR THE PURPOSE OF ESTABLISHING THE

UNIFORM PRINCIPLES AND RULES WITH RESPECT TO THE DETERMINATION OF TONNAGE OF SHIPS. AFTER THE ENTRY INTO FORCE OF THE TONNAGE CONVENTION, THE CONTRACTING GOVERNMENTS SHALL DETERMINE THE TONNAGES OF ALL SHIPS FALLING INTO THE

SCOPE OF ARTICLE 3 THEREOF IN ACCORDANCE WITH THE PROVISIONS OF THE TONNAGE CONVENTION AND THE ANNEXES THERETO.

ARTICLE 3 OF THE TONNAGE CONVENTION SPECIFIES CLEARLY IN WHICH CASES AND HOW LONG EXISTING TONNAGES MAY BE RETAINED.

2. THE DRAFT RESOLUTION ON RECOMMENDATION PERTAINING TO AN INTERIM SCHEME FOR TONNAGE MEASUREMENT OF CERTAIN SHIPS IS INTENDED TO ALLOW CERTAIN SHIPS TO CONTINUE TO BE MEASURED UNDER THE NATIONAL TONNAGE RULES, WHICH WERE IN EFFECT PRIOR TO THE COMING INTO FORCE OF THE TONNAGE CONVENTION FOR THE PURPOSE OF APPLYING THE SOLAS CONVENTION AT THE REQUEST OF SHIPOWNERS.

THIS WOULD IN EFFECT MEAN THE PROVISION FOR NEW IMPORTANT EXCEPTIONS TO THE TONNAGE CONVENTION (NAMELY, OTHER THAN ARTICLE 3 (2) OF THIS CONVENTION), WHICH WILL HAVE AN EFFECT ON AMENDING IT, HOWEVER, APART FROM THE FACT THAT THE TONNAGE CONVENTION ITSELF IS NOT YET IN FORCE, IT SEEMS IMPOSSIBLE FROM THE LEGAL POINT OF VIEW TO TRY TO AMEND THE TONNAGE CONVENTION BY AN ASSEMBLY RESOLUTION WHICH IS ONLY OF A RECOMMENDATORY NATURE UNDER THE IMCO CONVENTION. FURTHERMORE, IT IS TO BE NOTED THAT THE IMCO ASSEMBLY IS NOT EMPOWERED TO AMEND THE TONNAGE CONVENTION
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EITHER BY THE TONNAGE CONVENTION ITSELF OR BY THE IMCO CONVENTION.

3. IN VIEW OF THE FOREGOING, IT SEEMS TO THE GOVERNMENT OF JAPAN THAT PRESENT COMMON OBJECTIVE OF OURS, THAT IS TO AVOID DIFFICULTIES WHICH MIGHT ARISE WITH REGARD TO THE APPLICATION OF THE SAFETY REQUIREMENTS IN FORCE FOR CERTAIN SHIPS WHEN MEASURED IN ACCORDANCE WITH THE TONNAGE CONVENTION IN COMPARISON WITH THE NATIONAL TONNAGE RULES IN EFFECT, CAN BEST BE REALIZED BY THE CONCLUSION OF A NEW PROTOCOL WHICH ADMITS, WITH REGARD TO TONNAGE MEASUREMENT FOR CERTAIN SHIPS, AN EXCEPTIONAL TREATMENT TO THE TONNAGE CONVENTION AND FORMS, IN CONSEQUENCE, TOGETHER WITH THE TONNAGE CONVENTION WHEN BOTH INSTRUMENTS ENTER INTO FORCE, A NEW INTERNATIONAL LEGAL BASIS FOR THE MEASUREMENT OF TONNAGES OF SHIPS. THE GOVERNMENT OF JAPAN CONSIDERS, FOR EXAMPLE, THAT THE NOTION OF KX (OTHER FACTOR THAN KL WHICH IS DEFINED IN REGULATION 3 OF ANNEX I TO THE TONNAGE CONVENTION) MAY BE INTRODUCED IN

THE NEW PROTOCOL FOR DETERMINING THE GROSS TONNAGE FOR
CERTAIN SHIPS PURSUANT TO PROVISIONS OF THE NEW PROTOCOL,
UNQUOTE.

3. DEPARTMENT WILL SEND FORMAL REPLY TO EMBASSY NOTE
ASSURING EMBASSY THAT PROPOSAL HAS BEEN BROUGHT TO

ATTENTION OF USDEL AND PROMISING TO GIVE GOJ PROPOSAL
CAREFUL STUDY.
VANCE

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Disposition Case Number: n/a
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